

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Guangyi Wang et al.**Application No.: **09/697,545**Filed: **October 25, 2000**For: **Sugar Modified Nucleosides and Their Uses for Synthesis of Oligonucleotides**Commissioner for Patents
Washington, D.C. 20231Group No.: **1656**Examiner: **J. Riley**RECEIVED
DEC 9 2002
OFFICE OF PETITIONS

**PETITION TO CLAIM BENEFIT UNDER 35 U.S.C. 120, 121, OR 365(C) OF A PRIOR
COPENING NONPROVISIONAL APPLICATION OR INTERNATIONAL
APPLICATION DESIGNATING THE UNITED STATES OF AMERICA
(37 C.F.R. 1.78(a)(3))
IN RESPONSE TO NOTICE OF TERMINATION OF PROCEEDINGS
UNDER 37 C.F.R. 1.53(e)**

1. Applicant hereby petitions, in accordance with § 1.78(a)(3), to claim the benefit, for this application under 35 U.S.C. 120 of prior copending nonprovisional application no. 08/552,363; filing date: December 16, 1996. A Petition to Claim Benefit Under 35 U.S.C. 120 of a Prior Copending Nonprovisional Application is submitted herewith.
2. Applicant states that the entire delay between the date the claim for the benefit of the earlier application was due under paragraph (a)(2)(ii) of 37 C.F.R. § 1.78 and the date this claim is filed was unintentional. The Notice of Termination of Proceedings Under 37 C.F.R. 1.53(e) states that a Notice was mailed to applicant on 1/17/2001. Applicant never received such notice and was waiting for an Office Action to issue. Because applicant still has not received a copy of the Notice indicating the filing errors, which led to the termination of proceedings, applicant submits herewith, the items believed to be required in order to correct any errors.
3. A Transmittal of Claim for Benefit of Earlier Filing Date After Filing of Application and a Preliminary Amendment to include the priority claim in the specification after the title are being submitted herewith.

12/11/2002 AXELLEY 00000017 09697545

01 FD:1001
02 FD:1660740.00 OP
130.00 CP

CERTIFICATE OF EXPRESS MAILING (37 C.F.R. section 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as Express Mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, bearing label no. EV 099381157 US.

Date: 12/4/02
Collene Houston

In addition, a substitute Patent Application Transmittal and a new Declaration (with the correct application number for the priority claim) are being submitted herewith.

A copy of the prior application no. 08/766,991, of which the current application is a continuation application as well as a copy of the original parent application no. 08/333,545 are also attached.

4. Attached is a check in the amount of \$870.00 for the petition fee and application filing fee.

The Commissioner is authorized to charge any additional fees required by this paper or credit any overpayment to deposit account 502191.

Date: 11/9/02

Reg. No.: 33,880
Tel. No.: 714-641-5100



Signature of Practitioner

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